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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Third periodic reports of States parties due in 1992

Addendum

JORDAN*

[26 May 1992]

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* For the initial report submitted by the Government of Jordan, see CCPR/C/1/Add.24; for its consideration by the Committee, see CCPR/C/SR.103 and Official Records of the General Assembly, Thirty-third session, Supplement No. 40 (A/33/44), paras. 399-408. For the supplementary reports by the Committee, see CCPR/C/SR.331 and 332 as well as CCPR/C/SR.361 and 362 and Official Records of the General Assembly, Thirty-seventh session, Supplement No. 40 (A/37/40), paras. 166-213. For the second periodic report submitted by the Government of Jordan, see CCPR/C/46/Add.4; for its consideration by the Committee, see CCPR/C/SR.1077-SR.1079 as well as Official Records of the General Assembly, Forty-sixth session, Supplement No. 40 (A/46/40), paras. 567-617.

Further information of a general character transmitted with the third periodic report is reproduced separately, in core document HRI/CORE/1/Add.18.

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INTRODUCTION

1. Pursuant to the provisions of article 40, paragraph 1, of the International Covenant on Civil and Political Rights, under which "the States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights", the Ministry of Foreign Affairs of the Hashemite Kingdom of Jordan has the honour to submit Jordan's third periodic report to the Human Rights Committee and to confirm that Jordan is observing all the lofty humanitarian principles embodied in its Constitution and National Charter and in international legal instruments, norms and conventions. This report has been prepared in accordance with the general guidelines adopted by the Human Rights Committee in February 1991 and also takes into consideration the previous guidelines.

I. INFORMATION RELATING TO SPECIFIC ARTICLES OF THE COVENANT

Article 1

2. With regard to article 1 of the Covenant, the Jordanian Government strongly supports and advocates the right of all peoples to self-determination and is campaigning at all levels to ensure the triumph of this principle. It is regretted that this sacred right is being denied to the Palestinian Arab people, since the Jordanian Government has emphasized, in various forums, that the Palestinian people is fully entitled to exercise self-determination and establish its independent State. The decision to sever legal and administrative links with the West Bank in 1988 was taken in accordance with the wishes of the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, and on the basis of the prevailing Arab conviction that such a step would help to support the struggle of the Palestinian people to establish its independent State on its national territory. The sole purpose of the severance of links with the West Bank was to further that aim and support the steadfast struggle of the Palestinian people for self-determination.

3. The Jordanian Government has made every effort to ensure that Palestinians living in the West Bank are treated on a footing of equality with those living in Jordan. It is providing them with financial and moral support in order to enable them to remain in the occupied territories and thereby thwart Israel's ongoing attempts to expel them from their homeland. From the legal and political standpoints, this policy is in keeping with the provisions of article 1 of the Covenant.

Article 2

4. With regard to article 2 of the Covenant, Jordan believes that this and other instruments which have been ratified by its Government should be respected and applied in the same way as its domestic legislation over which they must prevail. The Jordanian courts therefore accord international conventions precedence over domestic legislative enactments unless public order would be jeopardized thereby. Most of the rights recognized in the Covenant are embodied in Jordanian legislation.

Article 3

5. With regard to article 3 of the Covenant, concerning the equal right of men and women to the enjoyment of all civil and political rights set forth in that instrument, the Government is applying the provisions of Jordan's Constitution, legislation and National Charter, which are in accordance with the Covenant. In fact, the Jordanian Constitution stipulates that Jordanians are equal before the law, without discrimination in regard to rights and obligations, and the practical application of this stipulation is fully consistent with the provisions of the legislation currently in force in Jordan. Women hold high positions in the State, including membership of the Government, the Senate and local councils, and they enjoy access to public office on a footing of equality with men, with whom they participate in all political, social, cultural and other fields, since no restriction is placed on their rights in any aspect of public or private life. Women played an effective and distinctive role in the parliamentary elections in 1989, in which some of them stood as candidates, without success, in a number of electoral districts.

Article 4

6. With regard to article 4 of the Covenant, concerning public emergency, article 124 of the Constitution stipulates that:

> "If it becomes necessary to defend the realm during an emergency, a legislative act, known as the Defence Act, shall be promulgated, under which a person designated in the Act shall be empowered to take such action and measures, including suspension of the ordinary laws of the State, as may be necessary to ensure the defence of the realm. The Defence Act shall enter into force as soon as it is proclaimed in a royal decree issued on the basis of a decision of the Council of Ministers."

The legislation of Jordan, like that of other countries of the world, even those with a deep-rooted democratic tradition, makes provision for a Defence Act to be applied in special circumstances, such as a state of emergency or a situation that is detrimental to public order and threatens national peace and security.

7. A state of emergency was proclaimed in 1967 when Israel launched a war and occupied the West Bank and other Arab territories, thereby destabilizing the situation in the entire region. However, the state of emergency and the special laws, regulations and directives that it entails are controlled by the Jordanian Government and the various decisions are taken after consultation with highly experienced legal advisers.

8. In keeping with the current stage of democratization, the Government suspended martial law and finally abolished it on 7 July 1991 with a view to furthering the enjoyment by Jordanian citizens of their civil and political rights.

9. A new Defence Act was drafted and referred to the National Assembly, which adopted it and referred it to the Senate for approval. The new Act eliminates the negative aspects of its predecessor and makes provision for the

abolition of the Defence Act of 1935 together with all the regulations and orders promulgated thereunder. Article 6 of the Act stipulates that the courts of first instance are competent to hear offences committed in violation of its provisions or of defence orders issued pursuant thereto. The Government had already announced the suspension of the martial law provisions, in preparation for their abolition, in the ministerial declaration issued on 9 December 1989. A Royal Decree approved the decision taken by the Council of Ministers on 26 December 1989 concerning Martial Law Administrative Instruction No. 2 of 1989, article 2 of which revoked the competence of military courts to hear cases involving the following crimes and offences which would henceforth fall within the jurisdiction of the ordinary courts:

(i) Violation of the provisions of the Firearms and Ammunition Act;

(ii) Violation of the provisions of the Repression of Communism Act;

(iii) Violation of the provisions of the Defence Act or any regulation or order promulgated pursuant thereto;

(iv) Membership of any dissolved or unauthorized political party;

(v) Acts of aggression against State officials or officers or members of the Jordanian army or police, or attempts to hamper their activities, during or as a result of their discharge of their official duties;

(vi) Violation of orders issued by the Military Governor-General or local military governors;

(vii) The firing of shots without legitimate justification, even from licensed weapons, in residential areas on the occasion of the festivities referred to in article 461 (b) of the Penal Code;

(viii) Crimes relating to the counterfeiting of banknotes and coinage;

(ix) The crimes referred to in article 24 (a) of the Passports Act No. 2 of 1969;

(x) The crime of murder or attempted murder for motives of revenge;

(xi) Violation of the provisions of any of the martial law administrative instructions or any decisions promulgated pursuant thereto;

(xii) The commission, or attempted commission, of any of the crimes referred to in articles 187, 326, 327, 328, 330, 333 and 335 of the Penal Code against any government minister or State official during the discharge of their official duties or in retaliation for action taken by them in their official capacity, whether on or off duty;

(xiii) The crimes referred to in articles 16, 17 and 18 of the Supply Act No. 38 of 1988, as amended.

10. The Government has also drafted other bills of law, such as the Political Parties Act and the Press Act, which are in keeping with the Constitution, the Jordanian National Charter and the democratic changes that have recently taken place. Articles 3, 4, 5, 6, 7, 8 and 9 of the Press Act guarantee freedom of the press and publication, as well as freedom of opinion, and stipulate that every Jordanian is free to express his opinion through the media or other means of expression. It also stipulates that the press is free to play its role of providing citizens with news, comments and other information, in addition to helping to disseminate ideas, culture and science, in a manner consistent with public freedoms, rights and obligations and with respect for the freedom and privacy of individuals. All individuals, institutions and authorized political parties have the right to own and publish newspapers and citizens have the right to acquaint themselves, fully and objectively, with events, ideas, trends and information in all fields of concern to society at the local, Arab and international levels. Citizens also have the right to publish their opinions, ideas and achievements in scientific, social, cultural and environmental fields through the press. Likewise, all official bodies must grant journalists and researchers an opportunity to familiarize themselves with the programmes and projects of government departments and institutions, as well as the manner in which they are discharging their duties, in order to ascertain, publish and comment on those facts, provided that they do not involve State secrets or prejudice national security.

11. The draft bill prohibits any attempt to influence the public information media in a manner detrimental to their credibility. Articles 26, 27 and 28 of the Bill further stipulate that any decision to reject an application for a licence to issue a specialized press publication or establish a printing press, a publishing house, a bookshop, a distribution centre, a public relations office, a research and study centre, a Gallup poll institution or a translation agency must be taken within one month from the date of submission or receipt of the application, and that such rejection must be substantiated and subject to appeal to the Supreme Court. The same applies to the draft Political Parties Act which is to be submitted to the National Assembly for approval and which is in keeping with the Jordanian Constitution, the National Charter and democratic developments. Under the terms of the Act, political parties will be registered following completion of the procedures for the promulgation of the Act, which will be a true reflection of the country's firm commitment to democracy.

12. The Government has also taken a series of measures in the field of human rights, including the restitution of withdrawn passports, a guarantee of the right of all citizens to freedom of work, movement and travel, the release of many political detainees and the annulment of decrees promulgated while martial law was in force. The Government has established committees to review the provisions of the Emergency Act, as well as the cases of the remaining Jordanian political prisoners. Civil servants who had been dismissed for political reasons have been reinstated and, in the latter part of 1990, the Government submitted a proposal to the National Assembly for the abolition of the Repression of Communism Act.

Article 6

13. With regard to article 6 of the Covenant, under which every human being has the inherent right to life, this right is protected by Jordanian law, which provides that any violation thereof is punishable. The Jordanian Penal Code (Act No. 16 of 1960) clearly specifies the offences for which the death penalty can be imposed. The ordinary courts are competent to hear all civil and criminal cases, including proceedings brought by or against the Government. In addition to the ordinary courts, there are also military courts, which were established in accordance with the Jordanian Constitution, although they will soon be abolished, possibly during the period when this report is being considered. The death penalty has been carried out only in a very small number of cases. For example, five persons were executed in 1988 and none in 1989. Death sentences and sentences involving a term of more than five years' imprisonment must be submitted for review, even if such is not requested by the convicted person. In such cases, the Attorney-General must submit the case file, together with his comments, to the Court of Cassation within 15 days from the date on which the sentence is handed down. This is explicitly stipulated in article 13 (c) of the Higher Criminal Court Act No. 23 of 1976. There is always the possibility of a general amnesty or special pardon, as provided for in the Penal Code. A penalty may also be commuted if specific conditions are met. The death sentence cannot be carried out on any of the convicted person's religious festivals or on an official public holiday, nor can it be carried out on a pregnant woman (in such a case, the penalty is commuted to hard labour for life in accordance with art. 17, para. 2, of the Penal Code). No death penalty is carried out until all the channels of appeal have been exhausted, and even after the sentence has become final it requires ratification in the form of a royal decree. This procedure reflects Jordan's sincere desire to prevent the death penalty from being carried out on an innocent person or a person who does not deserve it.

Article 7

14. With regard to article 7 of the Covenant, concerning torture or cruel, inhuman or degrading treatment or punishment, Jordan's Constitution and legislation are in keeping with the provisions of that article. Article 7 of the Constitution stipulates that: "Personal freedom shall be safeguarded." Article 8 further stipulates that: "No person shall be detained or imprisoned except in accordance with the provisions of the law." Under the terms of article 9: "No Jordanian shall be exiled from the territory of the Kingdom and no Jordanian shall be prevented from residing or obliged to reside in a specified place except in the circumstances prescribed by law." According to article 15: "The State must protect freedom of belief and religious worship, in accordance with the customs observed in the Kingdom, subject only to the maintenance of public order and morality."

15. Article 208 of the Penal Code stipulates as follows:

> "1. Anyone who subjects a person to any form of unlawful violence or coercion with a view to obtaining a confession to a crime, or information relating thereto, shall be punished by a term of three months' to three years' imprisonment.

"2. If such acts of violence or coercion lead to sickness or injury, the penalty shall be a term of six months' to three years' imprisonment, unless the acts in question call for a more severe penalty."

16. Any person who is detained or imprisoned by order of an administrative authority has the right of appeal to the Supreme Court, which is empowered to rescind the order if it finds it to be unlawful. Every detainee or prisoner has the right to receive visits from his lawyer and members of his family. The law permits the granting of bail as a precautionary measure and any person who is charged with an offence that is not punishable by the death penalty, hard labour for life or life imprisonment may be released on bail. The purpose of the institutions in which civilians may be detained or imprisoned under the terms of a court order is to reform and rehabilitate their inmates with a view to facilitating their return to normal life. These institutions provide health care, proper hygienic facilities, vocational training and libraries for educational purposes. It should also be noted that a new Prisons Act has been drafted, the provisions of which are consistent with modern democratic concepts concerning the nature of those institutions and the manner in which their inmates should be treated and rehabilitated. Persons serving sentences in reformatories and rehabilitation centres are treated in a humanitarian manner, in accordance with the principle that convicts are nevertheless citizens of our country and sick members of our society who require help so that they can be cured and rehabilitated in order to be able to engage in an honest occupation that will help them to earn a living in a self-reliant manner. Amnesty International and delegations from the International Committee of the Red Cross and other international organizations, which have visited those reformatories and rehabilitation centres in order to acquaint themselves with the health situation and the treatment of prisoners, have expressed their satisfaction at the situation in those institutions.

Article 8, 9 and 10

17. With regard to articles 8, 9 and 10 of the Covenant, Jordan's Constitution and legislation are in keeping with those provisions. Article 7 of the Constitution stipulates that personal freedom shall be safeguarded and that all persons are equal before the law, which does not permit any form of slavery or servitude. Article 178 of the Penal Code further stipulates that: "Any official who arrests or imprisons a person on grounds other than those provided for by law shall be punished by imprisonment for a term of three months to one year." Article 179 stipulates that: "Any warden or guard of a prison or correctional or reform institution, or any official assuming their functions, who admits a person without a legal warrant or court order, or who detains a person for longer than the prescribed term, shall be punished by imprisonment for one month to one year." Every person who is arrested must be informed of the reasons for his arrest and the charge brought against him. This is emphasized in article 116 of the Code of Criminal Procedure, which stipulates that: "The arrest warrant must specify the nature of the offence and the basis on which it was issued, as well as the legal provision under which the offence is punishable and the maximum period during which the accused can be held in custody." Under article 117 of the Code: "The accused shall be acquainted with, and provided with a copy of, the arrest warrant and

the summonses that have been served." Article 113 of the Code further stipulates that: "If the accused is arrested under the terms of a warrant and held in custody for more than 24 hours without being questioned or brought before the public prosecutor in accordance with the preceding article, his arrest shall be regarded as an arbitrary act and the official responsible shall be prosecuted for the offence of deprivation of personal liberty, as provided for in the Penal Code."

18. The inmates of prisons, which are now known as reformatories and rehabilitation centres, are treated in a humanitarian manner since they are still regarded as members of society who must be treated in a manner conducive to their reform and vocational rehabilitation in order to enable them to live as law-abiding citizens after serving their sentences. There is also a Juveniles Act, the provisions of which prohibit the imposition of the death penalty on juvenile offenders, who must be tried before special courts and segregated from adults, usually in special social welfare institutions for juveniles. In this connection, it should be noted that the provisions of the Juveniles Act are in keeping with the relevant articles of the Covenant.

Article 12

19. With regard to article 12 of the Covenant, the freedom of movement of foreigners is governed by Act No. 24 of 1973, as amended, which regulates the residence and affairs of foreigners. Article 4 of that Act stipulates that a foreigner is permitted to enter and leave Jordan if he holds a valid passport containing an entry or exit visa or if he holds a travel document issued by the Government of the Kingdom by virtue of his residence therein even though he does not possess a passport. Under the terms of article 12, any person holding a residence permit is entitled to reside anywhere within the territory of the Kingdom, provided that he informs the security authorities of any change in his place of residence. Foreigners must leave the country when their residence permits have expired.

Article 14

20. With regard to article 14 of the Covenant, the provisions of Jordan's Constitution and legislation are clearly consistent with that article.

21. Article 97 of the Constitution stipulates that: "The judiciary shall be independent and, in the exercise of its judicial functions, shall be subject to no authority other than that of the law." The purpose of this article is to protect the courts from any interference. Article 101 of the Constitution stipulates that: "The courts shall be accessible to all and shall be protected from interference in their affairs. Court hearings shall be conducted in public, unless the court decides to hold them in camera with a view to the maintenance of public order or morality." Article 102 of the Constitution stipulates that: "The ordinary courts in the Kingdom shall have jurisdiction over all persons in all civil and criminal matters, in accordance with the provisions of the legislation in force." The legal system is based on the principle that the accused is innocent until proved guilty. Article 206 (a) of the Code of Criminal Procedure stipulates that no person can be tried in a criminal case unless the Department of Public Prosecutions has officially charged the said person with the offence in question. The

accused must appear before the court without handcuffs and the services of an interpreter are provided free of charge to assist the accused if he is unable to understand or speak the Kingdom's official language. Every person convicted of an offence has the right to apply for a review of the judgement by a higher court. Article 261, paragraph 1, of the Code of Criminal Procedure of 1961 stipulates that: "The appeal shall be lodged by submitting a petition to the competent court of appeal, either in person or through the court which handed down the judgement in question, within a legally specified period of time." Under article 270 of the Code, an application for a review in cassation may be made in respect of any criminal judgements or decisions handed down by a court of appeal, as well as any decisions by the Attorney-General which preclude prosecution in criminal cases.

Article 17

22. Jordanians are equal before the law, without any discrimination in regard to their rights and obligations on grounds of race, language or religion (art. 6, para. 1, of the Constitution). The State guarantees freedom of belief and religious worship, in accordance with the customs observed in the Kingdom, subject only to the maintenance of public order and morality. Jordan's consistent policy is therefore based on the principle that all its citizens are equal in regard to their rights and obligations. Moreover, the feeling of social solidarity among a people living together as a single entity is a basic factor that precludes any intercommunal friction. Article 10 of the Constitution stipulates that: "Homes are inviolable and can be entered only in the circumstances and in the manner prescribed by law." The Jordanian Penal Code of 1961 prescribes deterrent penalties for the commission of offences against the family, which are detailed in articles 279 to 325 of the Code. Offences against liberty and honour and violations of the privacy of homes are dealt with in articles 346 to 348 of the Jordanian Penal Code. Article 81 of the Code of Criminal Procedure of 1961 stipulates that: "Homes may be entered and searched only if the person whose home is to be entered and searched is suspected of having committed an offence, of being an accomplice or otherwise involved therein, of being in possession of evidence pertaining to an offence or of harbouring a person accused of an offence." Under the terms of the Code, the search must be conducted in the presence of the accused or, in his absence, in the presence of the local mayor or two witnesses. A search can be conducted only by the police, on the basis of a warrant issued by the Department of Public Prosecutions, in the presence of the mayor or other witnesses.

Article 19

23. With regard to article 19 of the Covenant, freedom of opinion and expression are regarded as inalienable rights of the human person, and personal liberty is safeguarded by the Constitution. The State guarantees freedom of opinion and every Jordanian is free to express his opinion orally, in writing, pictorially or through any other form of expression permitted by law.

24. In practice, freedom of opinion is safeguarded under the terms of the legislation in force and the Government is currently preparing to promulgate a Press and Publications Act which is in keeping with the present stage of

democratization and freedom of political activity. In Jordan, the various information media transmit all forms of information and ideas without any restrictions. The media conscientiously endeavour to combat all forms of racial discrimination and carry full reports on the repression, torture, denial of legitimate rights and other inhuman practices to which persecuted minorities and peoples are subjected anywhere in the world.

Article 20

25. With regard to article 20 of the Covenant, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence is punishable under Jordanian law. Article 150 of the Jordanian Penal Code stipulates that: "Any act or written or spoken communication that gives rise, or is intended to give rise, to religious or racial bigotry or seeks to instigate strife among the various communities and races that constitute the nation shall be punished by a term of imprisonment of six months to three years and a fine not exceeding 50 dinars."

Article 22

26. With regard to article 22 of the Covenant, concerning the right to freedom of association with others, the right to form and join trade unions, associations, clubs and federations is dealt with in the Associations and Social Organizations Act No. 33 of 1966, as amended, and also in the Labour Code (Act No. 21 of 1960), as amended. Articles 29 and 70 of the latter Code stipulate that a trade union can be formed on the basis of an application by 30 persons engaged in the same occupation or in occupations that are similar, interrelated or associated from the production standpoint, after the formulation of statutes containing their names. When the application has been submitted, the statutes are examined by the competent department in the Ministry, and the Registrar of Trade Unions then registers the union, provided that its statutes are consistent with the provisions of the Code. The Ministry of Labour helps the trade unions to achieve the objectives for which they have been established. Freedom to form and join clubs is enjoyed under the terms of the Youth Welfare Act No. 8 of 1987. Applications for the establishment of clubs, specifying the names of 25 persons as members of their constituent bodies, must be submitted to the Ministry of Youth. In Jordan, there is nothing to prevent the persons concerned from holding meetings to discuss the matters for which their clubs have been established.

Article 24

27. With regard to article 24 of the Covenant, concerning the rights of the child, these rights are safeguarded by Jordan's legislation in so far as every child is entitled to expect from his family, society and the State, without any discrimination, such protective measures as are required by his status as a minor. Articles 278 to 291 of the Penal Code deal with offences against children and minors. The same Code also protects children and minors from sexual assault, molestation, abduction, corruption and debauchery, for which articles 292 to 314 prescribe deterrent penalties that may involve fixed terms of hard labour. The child's right to a nationality is guaranteed by the Jordanian Nationality Act of 1954. Article 30, paragraph 1, of the Jordanian Civil Code (Act No. 43 of 1976) stipulates that a human being's legal

personality begins from the moment at which he is born live. Article 38 further stipulates that every person must have a name and a patronymic, which is passed on to his children. The Jordanian Labour Code places restrictions on the employment of young persons in order to protect them from any violation of their rights.

28. With regard to juvenile delinquency, the Government, acting through the Ministry of Social Development, has established the Department of Social Defence, which has country-wide branches that provide all the requisite daily services, including education, for juvenile delinquents. The Government has also established a Vocational Training Authority, supervised by competent personnel, which grants juvenile delinquents periods of leave on public holidays and special occasions if their conduct has been good.

29. Jordan has a specialized court to hear juvenile cases, which are governed by special legislation. That legislation makes provision for the establishment of two types of institutions for the accommodation of juvenile delinquents: (a) reformatories for the detention of juvenile delinquents on whom final judgement has been passed by a court of law; (b) remand homes for the detention of juveniles who are exposed to the dangers of delinquency or vagrancy. These homes are administered by competent official bodies and personnel appointed by the Ministry of Social Development. The main aim of social defence is to deal with the problem of juvenile delinquency through rehabilitation, training and education, in other words through reform rather than punishment.

II. INFORMATION CONCERNING QUESTIONS ON THE LIST OF ISSUES RAISED BY THE COMMITTEE DURING THE CONSIDERATION OF THE SECOND PERIODIC REPORT

30. With regard to <u>state of emergency</u>:

(a) All the martial law regulations promulgated under the state of emergency are in full conformity with the provisions of the International Covenant on Civil and Political Rights, namely the right to life (art. 6), the prohibition of torture (art. 7), the prohibition of slavery (art. 8), the prohibition of imprisonment merely on the ground of inability to fulfil a contractual obligation (art. 11), the prohibition for conviction for a criminal offence on account of any act or omission which did not constitute a criminal offence at the time when it was committed (art. 15), everyone's right to recognition as a person before the law (art. 16) and everyone's right to freedom of thought, conscience and religion (art. 18).

(b) The maximum period during which the emergency regulations can remain in force depends on the duration of the state of emergency, i.e. the time needed for the re-establishment of a situation in which the nation is no longer threatened.

(c) Notification of the state of emergency in the country does not imply derogation from obligations under the Covenant. In fact, Jordan has not taken any measures derogating from its obligations thereunder.

31. With regard to the right to life:

(a) Six persons have been executed, four for premeditated murder in the first degree in cases in which the families of the victims refused to exercise their right of pardon, and two for espionage.

(b) Anyone who is convicted by a military court can submit an appeal for clemency to the Military Governor General, who is empowered to consider the appeal and commute the sentence, or to the King, who has the right to grant a special pardon.

(c) The Public Security Act No. 38 of 1965 defines the circumstances in which firearms may be used by members of the public security forces, who, in the event of their violating those regulations, are tried by a special police court and duly punished. In the rare cases that have occurred, the offenders have been punished in accordance with the provisions of the Act.

(d) The death penalty is never carried out on pregnant women. In such cases, the penalty is commuted to hard labour for life. There is no legal provision under which a death sentence becomes effective three months after a woman's delivery.

32. With regard to liberty and security of person:

(a) In the case of some offences, the maximum period of pre-trial detention is five days. However, in cases of espionage and felonies, the period of detention depends on the time needed to complete the investigation.

(b) No one can be held in solitary confinement, except in cases involving espionage, unless he engages in acts, within the penal institution, which are likely to have an adverse criminal influence on the mentality or conduct of the other prisoners in a manner inconsistent with the concept of social defence and reform.

(c) Authority to declare that a person is suffering from a mental disorder is vested in competent medical practitioners to whom such persons are referred by specialists of the Ministry of Social Development, the prison medical officer or the prison administration.

(d) There is no legal provision under which a citizen who has suffered detriment as a result of detention or investigation in regard to any matter is prevented from bringing a claim for damages before the courts, nor is there any provision that precludes compensation in such cases.

(e) Any citizen who is detained has the right to contact his lawyer and his family immediately, except in cases involving espionage.

33. With regard to the treatment of prisoners and other detainees:

(a) Every complaint of torture or ill-treatment of detainees that is submitted to the competent authorities is investigated. In the few cases in which ill-treatment of some detainees has been established, the guilty parties have been punished in accordance with the applicable legal provisions.

(b) There are no legal obstacles to prevent a prisoner from receiving visits or contacting the outside world.

(c) Solitary confinement is limited to a short period determined by the prison administration in the light of the prisoner's mental and physical state of health. The places in which persons are held in solitary confinement do not differ from other cell blocks in penal institutions, since they all contain the same facilities.

(d) A new Prisons Act has been drafted which is fully in keeping with the United Nations Standard Minimum Rules for the Treatment of Prisoners and the Act that is currently in force is also consistent therewith to a large extent.

34. With regard to the right to a fair trial:

(a) Judges are appointed, on a competitive basis among candidates who hold a degree in law and have received further training at the Magistrates Academy, by recommendation of the Minister of Justice to the Supreme Council of the Judiciary, which consists of the highest-ranking judges and is not subject to any superior authority. Judges are not retired until they reach the legally specified age limit of 72 years unless they resign or are dismissed by the Supreme Council of the Judiciary as a penalty for having committed offences prejudicial to their judicial integrity.

(b) In principle, the military courts are of an exceptional nature and their activities are linked to the proclamation of a state of emergency. However, the martial law administrative instructions have recently been rescinded. At all events, as already indicated, a convicted person can submit an appeal for clemency to the Military Governor General, who is empowered to commute a sentence, or to the King, and this procedure constitutes an appeal and a review in cassation of the sentence handed down. The court is responsible for appointing a lawyer to defend the accused if the latter is unable to afford the services of legal counsel. This applies to all the courts without exception.

35. With regard to the right to privacy:

With regard to the circumstances prescribed by law in which postal and telegraphic correspondence and telephone communications may be seized or censored, such action may be ordered by the public prosecutor or the court only in cases involving felonies. Such action, which is regarded as being in the interests of the investigation and the establishment of the true facts, is an exceptional measure which as a rule is taken only in very rare cases.

36. With regard to freedom of opinion and expression; prohibition of propaganda for war and of incitement to racial or religious hatred:

(a) The sources of income of newspapers are controlled when a state of emergency has been proclaimed. The purpose of such control is to prevent the receipt of foreign funds likely to influence a newspaper's activity, and to protect national security, as an exceptional measure, during the state of

emergency. A newspaper's financial resources are normally controlled only in order to discover external sources of funding that might be prejudicial to national sovereignty if the newspaper is financed by hostile bodies.

(b) We wish to emphasize that no one has been detained on account of his political views. The only political activists who have been detained had committed criminal acts or offences punishable by law; they were not detained on account of their political beliefs.

(c) The Repression of Communism Act has been rescinded by subsequent legislation. Accordingly, this question is no longer relevant since, in this regard, Jordan's compliance with article 19 of the Covenant has been confirmed.

37. With regard to freedom of assembly and association:

(a) In Jordan, political parties are now operating with full freedom to proclaim and publish their views in the press. However, since the new Political Parties Act has not yet been passed, the licensing of those parties has been postponed temporarily until the Act has been approved by the National Assembly, after which every party which applies for a licence in the legally stipulated manner will be authorized.

(b) The right of citizens to form political parties is guaranteed by the Constitution, the National Charter 1/ and the Act and there is nothing to prevent the formation of political parties provided that they comply with the provisions of those instruments.

38. With regard to protection of the family:

The rights and responsibilities of spouses in regard to household and children during marriage and in the event of its dissolution, as well as the problems relating to effective equality, have been discussed in detail on previous occasions. Although the spouses have equal rights and responsibilities, under the terms of the Personal Status Act the husband is responsible for providing support. In both cases, i.e. during marriage and at its dissolution, the husband is obliged to pay maintenance for the children. This distinctive feature of the Personal Status Act, which is in the interests of women and children, does not, in our opinion, violate the principle of equality between the spouses.

1/ The text of the National Charter was attached in Arabic and is available for consultation in the files of the Centre for Human Rights.